IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICITON

INCOME TAX APPEAL NO.990 OF 2004

The Commissioner of Income Tax -I .. Appellant.

Versus

Vishwasrao Naik Sahakari Sakhar Karkhana Limited .. Respondent.

Mr.B.M. Chatterji with Mrs.P.P. Bhosale with Mr.P.S. Sahadevan for the appellant.

Mr.A.K. Jasani for the respondent.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 8TH OCTOBER, 2007.

P.C. :

1. Admit. Heard forthwith.

Whether on the facts and in the circumstances of the case the Tribunal relying on the decision of Chhatrapati Sahakari Sakhar Karkhana Ltd. (245 ITR 498 (Bom) was right in deleting the following additions by holding that the following funds collected by the assessee society out of the sugarcane purchase price payable to the cane growers are not trading receipts of the assessee ?
i) Cane Development Fund Rs. 6,71,667/-
ii) Area Development Fund Rs.16,00,427/-

2. The said question is covered by the Judgment of the Supreme Court reported in 270 I.T.R. 1 and Judgment of this Court reported in 279 I.T.R. 1 (Bom.).

3. In the light of that, the matter is remanded

back to the Tribunal for consideration afresh in the light of the observations made by the Supreme Court.

4. On behalf of the respondent, Advocate A.K. Jasani waives service.

5. The appeal is disposed of.

(F.I. REBELLO, J.)

(J.P. DEVADHAR, J.)